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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/695,562	10/24/2000	Dr. Max Schaldach	7040-5	1946	
21324 75	590 05/14/2003				
HAHN LOESER & PARKS, LLP			EXAMINER		
TWIN OAKS I 1225 W. MARI	KET STREET		MATTHEWS,	MATTHEWS, WILLIAM H	
AKRON, OH 44313			ART UNIT	PAPER NUMBER	
			3738	11	
			DATE MAILED: 05/14/2003	19	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Compose Examiner Compose			\mathcal{M}				
Period for Reply As HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE Of This communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. about 200 (a) MONTH'S from the mailing date of this communication. The product for they specified source is less than this (b) depairs a reply within the databative minimum of this (b) days will be considered timely. This packed for they specified source is less than they depair, and the minimum of the (b) (b) days will be considered timely. This packed for they specified source is less than they depair, and the in minimum of the (b) (b) days will be considered timely. This action is reply within the set or estandated principle of the production. Fallulate to reply within the set or estandated principle date of this communication. Any reply received by the Official teach the rise median after the mailing date of this communication. Any reply received by the Official teach the rise median after the mailing date of this communication. This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parts Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2-4,7.11.14.17.18 and 20-23 is/are pending in the application. 4) Claim(s) 2-4,7.11.14.17.18.20-23 is/are rejected. 7) Claim(s) 3 is/are allowed. 6) Claim(s) 3 is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on 15 is/are: a) accepted or b) objected to by the Examiner. 11 proposed drawing correction filed on 15 is/are: a) accepted or b) objected to by the Examiner. 12 proposed drawing sare required in reply to this Office action. 12) The cath	/	Application No.	Applicant(s)				
William H. Matthews (Howie) 37:38	Office Action Summary						
The MALLING DATE of this communication appears on the cover sheet with the correspondence address—Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Educations of the many be available under the provisions of 37 CPT. 1.13(q), in no event, however, may a reply be timely filed and the provisions of the provision of t	Onice Action Summary						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Set BUX (6) MONTHS from the mailing date of this communication If the period for may specified some is test than this (7) (4) gas, a reply within the distudory minimum of thiny (20) days will be considered timely If No period for may be specified desired period for reply all by statistics, cause the supplication to become ABANCONED (38 U.S.C. § 133) Any reply received by the Office then there mornism are the mailing date of this communication, over if threely filed, may reduce any searched plant office then there mornism are the mailing date of this communication, over if threely filed, may reduce any searched plant office then there mornism are the mailing date of this communication, over if threely filed, may reduce any searched plant office then there mornism are the mailing date of this communication, over if threely filed, may reduce any searched plant term adjustment. Sea 37 CFR 1.70(b). Status 1) Secondary and term adjustment. Sea 37 CFR 1.70(b). This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 2-4.7.11.14.17.18 and 20-23 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) 2-4.7.11.14.17.18.20-23 is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made o	The MAILING DATE of this communication and		<u> </u>				
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Application/Control Number: 09/695,562

Art Unit: 3738

Response to Arguments

1. Applicant's arguments filed 3-17-03 have been fully considered but they are not persuasive. Applicant contends the Yan reference lacks the "intention" of placing the coating islands in such a way that the spacing is dependent upon the local stretching during expansion. Examiner disagrees because Yan meets the structural limitations of the claims and the intention of Yan is irrelevant when determining anticipation.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 2-4,7,11,14,17,18, and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yan US PN 5,843,172.

Regarding claim 17, figure 12 shows a stent having coating islands spaced farther apart where a greater degree of local stretching or expansion occurs. During radial expansion, the innermost layer coating islands (bottom, 112) will experience greater stress concentrations than the outermost layer coating islands (top, 110). More specifically, if the bottom layer (112) faces the vessel lumen and the upper layer (110)

Application/Control Number: 09/695,562

Art Unit: 3738

faces the vessel wall, the spacing between the coating islands adjacent to base (108) have greater spacing than the spacing between the outer coating islands (114).

Regarding claim 18, figure 12 also shows smaller coating islands (114) where greater degrees of local stretching occur (bottom, 112) as compared to coating islands adjacent to base (108).

Regarding claims 2-4, 11, and 20-23, a biocompatible and irregularly (or non-uniformly) formed patterned-configuration surface coating having locations where the coating is missing completely is shown in figure 12. Note that base (108) is coated with multiple layers of coating islands progressively decreasing in size above and below the base (108). Furthermore, note that a random pattern fulfills a patterned configuration.

Regarding claims 7 and 14, substantially round coating islands of equal size are shown in figure 12.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number: 09/695,562

Art Unit: 3738

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to William H. Matthews (Howie) whose telephone number

is 703-305-0316. The examiner can normally be reached on Mon-Fri 7:00-4:30 (Every

other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Corrine M. McDermott can be reached on 703-308-2111. The fax phone

numbers for the organization where this application or proceeding is assigned are (703)

308-2708 for regular communications and (703) 305-3590 for After Final

communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

0858.

ZHM

WHM

May 8, 2003

CORRINE McDERMUII
SUPERVISORY PATENT EXAMINER

Page 4

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